

## **CITY OF HAYWARD**

### **AGENDA REPORT**

AGENDA DATE 12/21/04

AGENDA ITEM 5

WORK SESSION ITEM \_\_\_\_\_

**TO:** Redevelopment Agency Board

**FROM:** Executive Director

**SUBJECT:** Authorization for Professional Services Agreement for New Burbank School Environmental Assessment

#### **RECOMMENDATION:**

It is recommended that the Redevelopment Agency Board adopt the attached resolutions authorizing the City Manager to execute a Professional Services Agreement with Lowney Associates in an amount not to exceed \$110,000; and appropriating funds for this purpose.

#### **BACKGROUND:**

As part of the Cannery Plan, staff has been working on securing site approval for the new Burbank School. In order to satisfy the requirements of the California Department of Education (CDE) School Site Approval Process, it is necessary to complete an environmental assessment and a railroad safety study prior to receiving final site approval for school construction. A Preliminary Endangerment Assessment (PEA) provides basic information for determining if there has been a release of a hazardous substance that presents a risk to human health or the environment. The PEA includes soil and groundwater sampling to accurately characterize the environmental conditions that are present on the proposed school site.

A final report documenting the environmental findings will be prepared for the Hayward Unified School District (HUSD) to submit to the Department of Toxic Substances Control (DTSC). If no hazardous materials are identified in the study, or if they do not pose a significant health risk, the DTSC will approve the PEA and issue a determination letter indicating that "no further action" is required. If health risks associated with hazardous materials are identified in the approved PEA, the DTSC may require the HUSD to prepare and implement a Removal Action Work Plan (cleanup, removal or remediation of hazardous materials) subject to DTSC oversight and approval. DTSC will issue a site certification letter when the Removal Action is completed. Previously, several environmental studies were conducted in the Cannery Redevelopment Area as part of the Area Plan approval process and during the acquisition of the Hunt-Wesson Cannery property for the development of Cannery Park. However, none of the previous environmental work focused specifically on the school site. Nonetheless, the findings and conclusions of prior investigations do not indicate that site approval cannot be achieved, even if a Removal Action is required.

The PEA must be conducted by a qualified environmental assessor, as defined by the California Code of Regulations. It is important for the timely completion of the PEA and successful review by the DTSC to ensure that the environmental assessor selected has both experience in performing PEA'S and in working effectively with DTSC to negotiate an approved work plan for the study.

An RFP soliciting proposals to conduct the required PEA and related risk analysis resulted in receipt of proposals from Geomatrix Consultants, Levine Fricke and Lowney Associates. Based on a review of qualifications and experience, staff recommends retaining Lowney Associates. Lowney Associates has performed over 2,800 Phase I, II and III environmental site assessments, including PEA'S, for school sites throughout California. Specifically, Lowney Associates has successfully conducted the requisite environmental work and other risk assessment analyses leading to site certifications for several school districts including San Jose, San Leandro and Santa Clara. Thus, the firm is familiar with the various components of the PEA, DTSC'S process and pertinent CDE regulations.

In addition to the PEA, the School Site Approval Process also requires certain risk assessment studies related to potential school sites. A Railroad Safety Study must be completed for the new Burbank School due to the close proximity of the Amtrak railroad tracks to the proposed school site. The study will determine the existence of any potentially hazardous conditions that could result in physical safety hazards and/or hazardous materials releases.

When the completed PEA Report is submitted for review and approval by DTSC, if a Removal Action Work Plan is subsequently required, the scope of work provides for potential additional services in the amount of \$52,000 to complete that task as part of the not to exceed amount specified previously.

Based on experience and costs, it is therefore appropriate to select Lowney Associates as the qualified environmental assessor to conduct the environmental and risk assessments and to prepare a final report documenting the results for HUSD, DTSC and CDE review and approval.

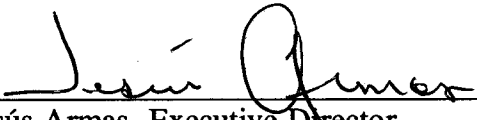
#### **FUNDING:**

It is requested that \$110,000 be appropriated from the Tax Allocation Bond Fund to the Cannery Area School project to complete the environmental and risk assessments needed for the CDE'S final review and approval of the proposed new Burbank School site.

Prepared by:

  
Patricia E. Martel, Project Manager

Approved by:

  
Jesús Armas, Executive Director

Attachments: RA Resolutions

# DRAFT

## REDEVELOPMENT AGENCY OF THE CITY OF HAYWARD

RESOLUTION NO. RA-\_\_\_\_\_

Introduced by Agency Member \_\_\_\_\_

*me*  
*12/15/04*

### RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AN AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF HAYWARD AND LOWNEY ASSOCIATES FOR THE NEW BURBANK SCHOOL ENVIRONMENTAL ASSESSMENT

BE IT RESOLVED by the Agency Board of the City of Hayward that the Executive Director is hereby authorized and directed to negotiate and execute on behalf of the City of Hayward an agreement for professional services to conduct a Preliminary Endangerment Assessment of the proposed Burbank School site and other risk assessment analysis in accordance with the requirements of Title 5 of the California Code of Regulations, in an amount not to exceed \$110,000, in a form approved by the General Counsel.

HAYWARD, CALIFORNIA \_\_\_\_\_, 2004

ADOPTED BY THE FOLLOWING VOTE:

AYES: AGENCY MEMBERS:

NOES: AGENCY MEMBERS

ABSTAIN: AGENCY MEMBERS

ABSENT: AGENCY MEMBERS

ATTEST: \_\_\_\_\_

Secretary of the Redevelopment Agency  
of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
General Counsel

**DRAFT**

REDEVELOPMENT AGENCY OF THE CITY OF HAYWARD

RESOLUTION NO. RA 04-

Introduced by Agency Member \_\_\_\_\_

*Whe*  
12/15/04

RESOLUTION AMENDING RESOLUTION NO. RA-04-07,  
AS AMENDED, THE REDEVELOPMENT AGENCY  
BUDGET RESOLUTION FOR FISCAL YEAR 2004-05,  
RELATING TO AN APPROPRIATION OF FUNDS FROM  
THE REDEVELOPMENT TAX ALLOCATION BOND FUND  
FOR THE NEW BURBANK SCHOOL ENVIRONMENTAL  
ASSESSMENT

BE IT RESOLVED by the Redevelopment Agency of the City of Hayward that  
Resolution No. RA-04-07, as amended, the Redevelopment Agency Budget Resolution for  
Fiscal Year 2004-05, is hereby further amended by appropriating \$110,000 from the  
Redevelopment Tax Allocation Bond Fund for the CDE's School Site Approval.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2004

ADOPTED BY THE FOLLOWING VOTE:

AYES: AGENCY MEMBERS:

CHAIR:

NOES: AGENCY MEMBERS:

ABSTAIN: AGENCY MEMBERS:

ABSENT: AGENCY MEMBERS:

ATTEST: \_\_\_\_\_

Secretary of the Redevelopment Agency  
of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
General Counsel